

UNITED STATES DISTRICT COURT
for the

Western District of North Carolina

United States of America)

v.)

OVESTER MORRIS, Jr.)

Date of Previous Judgment: December 1, 1999)

(Use Date of Last Amended Judgment if Applicable))

Case No: 3:98CR00288-006

USM No: 08465-058

David Q. Burgess

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 31

Criminal History Category: VI

Previous Guideline Range: 188 to 235 months

Amended Offense Level: 31

Criminal History Category: VI

Amended Guideline Range: 188 to 235 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☒ Other (explain): No reduction as the guideline range remains unchanged due to an error in the original Base Offense Level provided in the Plea Agreement and subsequently accepted by the Court.

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment December 1, 1999 shall remain in effect.

IT IS SO ORDERED.

Order Date: January 13, 2009

Effective Date: _____
(if different from order date)



Graham C. Mullen
United States District Judge

